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Annual Report

OF THE

PUBLIC DEFENDER

OF

Los Angeles County

WALTON J. WOOD
Public Defender

December 14, 1917.

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ANNUAL REPORT OF PUBLIC DEFENDER OF LOS ANGELES COUNTY, CALIFORNIA

WALTON J. WOOD

Public Defender

LOS ANGELES, Cal., Dec. 14, 1917.

Honorable Board of Supervisors:

GENTLEMEN: I present herewith a statement of the cases handled by the public defender's office during the fiscal year ending June 30, 1917.

CRIMINAL DEPARTMENT

The law makes it the duty of the public defender to safeguard the rights of persons accused of crime in the Superior Court who, on account of unfortunate circumstances or lack of adequate means, are unable to defend themselves. The law expressly makes it the duty of the district attorney to prosecute those "reasonably suspected of being guilty of public offenses" and prohibits him from "acting as counsel for any person accused of any crime." We have realized that the public defender's office was created for the purpose of assisting the courts in administering justice. We have not felt that it was our duty to oppose the district attorney, but rather to co-operate with him in setting all the facts before the courts. We are glad to report that no friction has occurred and that the two offices have worked harmoniously together with the sole object of furthering the cause of justice. Our office has tried to keep uppermost the idea that justice should be done and even in criminal cases attorneys should not try to get the defendants "off" regardless of the merits. We have not asked for unnecessary delays and have not resorted to technicalities. No motion has been presented which was not necessary to protect the substantial rights of the accused. In cases where there is no question of the guilt of the accused, it is the established rule of the office that no trials should be

held but that pleas of guilty be entered, thereby saving the county the expense and delay of trials.

The following is a summary of the cases handled. For the purposes of comparison we have set forth the results of cases handled by attorneys in private practice.

REPORT ON CRIMINAL CASES

(All Courts)

Filed Between July 1, 1916, and July 1, 1917

CASES IN WHICH APPEARANCES WERE MADE IN COURT

Felony cases filed in Departments 17 and 18	303	
Omitting to provide cases in Departments 8, 17 and 18	85	
Cases in Juvenile Court	47	
Insanity cases	7	
Contempt cases	1	
Total appearances in court		443

CONSULTATIONS IN OFFICE AND IN COUNTY JAIL

Felony cases	59	
Omitting to provide cases	28	
Cases in Juvenile Court	5	
		92
Paroled from County Jail		1
Total criminal cases handled in any way		536

TRIALS IN FELONY CASES

Convictions	32	
Verdicts guilty lesser offense (included in above)	7	
Verdicts not guilty	22	
Jury disagreements	4	
Total trials		58

TRIALS IN INSANITY CASES

Verdicts "Insane"	3	
Verdicts "Not Insane"	1	
Total insanity trials		4

Defendants in criminal cases committed to Patton by Insanity Commission, as insane	7	
Defendants in criminal cases committed to Patton by Insanity Commission, as inebriates	2	
Total		9
Pleas of guilty		232
Defendants granted probation		133
Cases dismissed		47
Cases off calendar		58
Cases pending and undisposed of		1

REPORT ON CRIMINAL CASES

Departments 17 and 18

Filed Between July 1, 1916, and July 1, 1917

(Failure to Provide Cases not included)

	Other Attorneys	Public Defender
Number cases	472	303
Number defendants	534	333
Pleas guilty	186	202
Pleas guilty lesser offense (included in above)	24	23
Pleas not guilty	280	87
Trials	120	51
Verdicts guilty	67	29
Verdicts guilty lesser offense (included in above)	13	7
Verdicts not guilty	30	19
Jury disagreed	23	3
Defendants granted probation	94	92
Demurrers filed	29	.....
Demurrers sustained	10	.....
Demurrers overruled	19	.....
Motions to set aside information filed	21	.....
Motions to set aside information granted	3	.....
Motions to set aside information denied	18	.....
Motions for new trial filed	18	1
Motions for new trial granted	2	.....
Motions for new trial denied	16	1
Motions arrest of judgment filed	5	.....
Motions arrest of judgment granted	.....	.....

Motions arrest of judgment denied	5	.....
Appeals taken	7	.....
Nmber of days of court occupied by trials	167	34
Average number of days for each trial	1.391	.666
Percentum of cases in which pleas of guilty were entered	.394	.666
Percentum of cases in which probation was granted	.199	.303
Percentum of trials in which verdicts were not guilty	.25	.372
Percentum of trials in which verdicts were not guilty or jury disagreed	.441	.431
Percentum of cases that went to trial	.254	.168

(At the date of compiling this report, Oct. 1, 1917, one case of the public defender was still pending and 32 cases of private attorneys.)

Since our office appeared in nearly all of the cases in the failure to provide and juvenile courts where defendants were represented by counsel, no comparison has been made between our work and the work of other attorneys in those cases.

The foregoing comparisons show our office entered pleas of guilty in 66 per cent of the cases, while attorneys in private practice entered pleas of guilty in only 39 per cent of the cases. Only 16 per cent of the public defender's cases went to trial, while 25 per cent of the cases in which private counsel appeared went to trial. Verdicts of not guilty were returned in 37 per cent of the cases represented by the public defender, while similar verdicts were returned in only 25 per cent of the cases handled by private attorneys. The average time occupied by the public defender in trying cases was a little less than one-half of the time required by private attorneys. By avoiding the necessity for trials and by trying the cases in half the time required by private attorneys, the public defender has saved a very considerable sum to the taxpayers.

COMPARISON WITH WORK OF APPOINTED ATTORNEYS

It is interesting to compare the work of the public defender's office with that of the attorneys appointed by the court during the last calendar year before the establishment of the public defender's office:

	Appointed Attorneys 1913	Public Defender 1916-17
Number of cases	115	303
Pleas of guilty	71	202
Percentum of cases in which pleas of guilty were entered	61.7 Pr. Ct.	66.6 Pr. Ct.
Number of cases in which probation was granted	31	92
Percentum of cases in which probation was granted	27.8 Pr. Ct.	30.3 Pr. Ct.
Number of trials	30	51
Percentum of cases that went to trial	26 Pr. Ct.	16.8 Pr. Ct.
Verdicts of not guilty or disagreements	6	22
Percentum of trials in which verdicts of not guilty rendered or jury disagreed	20 Pr. Ct.	43.1 Pr. Ct.

IMPROVEMENT IN METHODS OF HANDLING CRIMINAL CASES

Our office has attempted to conduct our cases on the highest possible plane. The attorneys in the district attorney's office and those in the public defender's office are presenting their respective sides fairly, without indulging in the methods which have to some extent brought criminal practice into disrepute. Wherever possible the two offices have stipulated to ask the court to appoint expert witnesses who should represent both sides and who should be the only expert witnesses in the case. This not only saves money to the county, but results in fair opinions by disinterested witnesses. In the case of People vs. Alvarado, charged with murder, this method was pursued and the defendant declared to be insane and sent to a state institution for the insane.

PRESENTATION OF MITIGATING CIRCUMSTANCES

An important feature of the work of the office is the presentation of all the circumstances of the offenses in cases where guilt is admitted. Seldom a case is presented in which there are not mitigating circumstances. If the court is to handle cases intelligently and render proper judgment, it is necessary that complete information be furnished. This necessitates a great deal of work which must be carefully and judiciously performed. The granting or refusal of probation often depends upon the faithfulness with which the circumstances are presented to the court.

The case of A— might be cited as an illustration. A— was a ninteen-year-old boy who entered a butcher shop in San Pedro and purloined a ham. He was a sailor and expected to go to sea at the first opportunity. He was without funds and while awaiting the sailing of a vessel subsisted on the ham in a dug-out on the outskirts of the town. Upon his arrest on a burglary charge, he told the court he was guilty and did not desire to disclose the names of his parents, but wished the court to sentence him immediately. The court appointed the public defender as his counsel, and we urged him to tell the court all the circumstances of his life, in the belief that he had a good record and that probation would probably result. At our earnest entreaty he told us his story, giving the names of his parents in an eastern city. We wrote to the parents and learned that he was the eldest of several children, that he had left home two or three years earlier, in the desire for adventure, and that the parents had advertised for their boy throughout the United States. The father sent a railroad ticket to his old home and the price of the ham to reimburse the butcher. He told us that he would meet his son at the train with a new suit of clothes ready for him and that a warm welcome was waiting if the court should see fit to grant probation. The boy's previous record had been good, and the court, upon learning these facts, promptly sent him to his parents.

OBTAINING EMPLOYMENT

In a number of cases the court has made an order that the prisoners be released on probation as soon as the public defender should obtain work for them. Many of the prisoners are penniless and upon their release from jail have no place to go and not even the price of a meal. Our office has taken upon itself the task of securing employment for every prisoner released from jail who did not have means of taking care of himself. In cases where temporary assistance was necessary we have found the means of keeping them on their feet until they obtained a fresh start. It is of great importance that these men, so often helpless without assistance, should be aided in making the new fight which is before them upon their release. This may be called social work, but it is so closely allied with the other work of the office that we have found it not only necessary but productive of good results.

CIVIL DEPARTMENT

A great many persons have found themselves without means to employ attorneys to recover sums justly due,

principally for wages. In many cases the claims are so small that even if an attorney were given the total sum involved he would not be properly compensated for his services, although upon the recovery of that amount depends the bread and butter of the claimant's children. Wage earners very frequently find themselves entirely without remedy in the courts for the reason that the remedy costs more than the benefits to be derived. Our office has made it possible for every person, no matter how impecunious, to obtain justice. In civil matters our office is authorized to prosecute actions in behalf of persons financially unable to employ counsel where the demands do not exceed one hundred dollars. We are also authorized to represent such persons in civil litigation in which they are being persecuted or unjustly harassed.

The following statement is a summary of the civil matters handled during the year covered by this report:

Total number of applications for assistance	8231
Applications in which advice was given on various subjects	3843
Applications rejected on account of ability to employ attorney	1991
Applications rejected because claims were over one hundred dollars or because of non-residence of applicants	403
Total number of applications rejected	2394
Claims accepted for adjustment, divided as follows:	
Labor claims	1361
Detention of personal property	177
Injury to personal property	70
Exemption from unjust attachment or garnishment	54
Other cases of persecution	4
Miscellaneous	328
Total	1994
Suits filed and won	103
Suits filed and lost	4
Suits filed and not disposed of	49
	156
Sum paid into office without suit	$ 4,640.49
Amount of judgments won	4,914.58
Money and chattels collected out of office	13,628.02
Total amount recovered for clients through instrumentality of the office	$23,183.09

It will be noted from the above that a very large part of the claims accepted for adjustment are for labor performed by our clients.

CASES ADJUSTED OUT OF COURT

It is the policy of the office to adjust matters without recourse to the courts wherever possible, and with this end in view courteous letters are sent to the defendants informing them that the complaints are presented to us and inviting them to present their side. In most cases prompt response is made, resulting in settlement. Sometimes we conclude that our clients are at fault, but, wherever the facts justify, cases are taken to court if the defendants are unwilling to settle. It will be noted from the foregoing summary that we were compelled to file suit in a very small percentage of the cases. The office tries to see that justice is done to both parties in all of these matters.

RELEASING OF UNLAWFUL GARNISHMENT OF WAGES

An important feature of our work is the releasing of wages from unlawful garnishment. The law humanely allows a married man to retain at least one-half of his last month's wages for the purpose of buying necessities of life for his children. We find, however, that some unscrupulous attorneys and collection agencies are accustomed to levy garnishments upon wages which they well know are exempt. The result is that the wage earner, often foreign-born and ignorant, is thrown upon charity until such time as he has earned sufficient to cover the amount of the claim of his creditors. Our office tries to adjust these matters so that the creditor will receive his just due in monthly installments, at the same time enabling the debtor to maintain his family.

TYPICAL CASES

In one case a Mexican woman appeared in our office with a sick baby in her arms which she had carried to the eleventh floor of the Hall of Records, being ignorant and fearful of riding in the elevator. The wages of her husband, who was working for a railroad company as a laborer, had been seized by a creditor, and the family, consisting of several children, were without common necessities of life and the sick child needed medical attention. In attempting to release at least part of his wages we found that a collection agency had not filed suit in the name of

the real plaintiff, the claim being assigned to a dummy, and the defendant was sued under the name of John Doe. The constable's office of Los Angeles Township had not served the garnishment. It was only by writing to the sheriff of San Francisco that we learned where the suit had been filed and the levy made, the notice of garnishment being directed to the San Francisco office of the railroad company. We at once released one-half of this man's wages and assured ourselves that the baby received medical attention. This case is mentioned as an example of the extremities to which some of the applicants at our office are driven.

In another case which illustrates the methods used by certain unscrupulous attorneys, a creditor wished to collect two bills having no connection, from separate parties, one for eighteen dollars and the other for thirty-seven dollars. The attorney commenced suit on both bills in one action, asking for judgment against each defendant for the total sum of fifty-five dollars. The defendants were sued under the names of John Doe and Richard Roe, judgment was entered by default, and supplementary proceedings commenced. The defendant owing eighteen dollars had not been served with summons and heard of the pendency of the action only when he was served with an order in supplementary proceedings. He thereupon went to the office of the plaintiff's attorney and made arrangements to pay the sum of eighteen dollars and two dollars costs, in installments, and received the attorney's promise that no further action would be taken on the judgment. After the entire sum of twenty dollars had been paid he was again ordered to court on new supplementary proceedings. The attorney was attempting to collect the additional sum of fifty-five dollars and twelve dollars costs from him alone. Our office was obliged to sue in the Superior Court to set aside the judgment in the lower court. It gives us real pleasure to relieve the poor from this kind of persecution.

In another case a baby, which had been put to board by its mother with a private family, was detained from the mother, who found herself without sufficient money to pay the small bill. A lien was actually claimed on the body of the child.

HELP FROM BAR ASSOCIATION

Our office had not been in operation long before it became apparent that there was opportunity to do a great deal of good for indigent people in matters in which the county charter did not especially authorize us to proceed. An old lady, a widow, was sent to us by the district attor-

ney's office, who had invested her entire savings, the sum of about $200, in the purchase of a lease of a small rooming house. It had been grossly misrepresented and her money was lost. Another woman appealed to us to help her contest in the court for the custody of her child, the husband being provided with an attorney while she was unable to secure one. So many of these people urged us to help them to secure lawyers that we placed the matter before the trustees of the Los Angeles Bar Association, suggesting that they call upon the bar of Los Angeles to volunteer their services for such cases as we were not authorized to handle yet which called for legal assistance. The trustees of the Bar Association approved of the plan and appointed a committee to receive offers from the members of the bar. As a result we have a list of about fifty lawyers passed upon by the Bar Association as being in good standing, who have agreed to assist us when called upon. Since some of the applicants at our office are considered to be able to pay an attorney's fee, the attorneys on this list are permitted to charge small fees in proper cases, subject always to the approval of this office in case any question should arise. I believe that this branch of our work has resulted in a great deal of benefit to the community. Any persons in the county can now secure assistance in civil cases before the court in any kind of a case, even though entirely unable to pay the fees of an attorney. During the period covered by this report our office referred to the attorneys on this list, in alphabetical order, 1019 cases.

ONLY THOSE WITHOUT MEANS ARE ASSISTED

The foregoing summary shows that twenty-nine per cent of the applicants for assistance were rejected, most of them being refused for the reason that they were financially able to employ attorneys. Very few apply to our office expecting something to which they are not entitled. They are sent to us from other public offices without sufficient knowledge of the limitations of the office. In most cases there is no complaint made when they are told that the office is only for those who are without means of securing the services of attorneys in private practice. We have been very careful to examine the facts of each case in order to prevent the rendition of services to those who are not entitled to them.

BETTER FEELING CREATED AMONG THE POOR TOWARD THE GOVERNMENT

There has been a feeling among a great many people that the courts were only for the wealthy and that they were beyond the reach of the poor. Such a feeling on the part of a large number of the population was not conducive to the best kind of citizenship. The public defender's office has allayed this feeling in Los Angeles. The courts are now open to all citizens on an equal basis and the poorest now have an equal chance to obtain justice although the claim be against the most powerful corporation.

Many thousands of poor persons in Los Angeles have found that the government takes an interest in their welfare and wants to see justice done them. It is difficult to over-estimate the value of the benefits obtained by creating the proper spirit among the poor and improving their attitude towards the government.

The public defender's office of Los Angeles was the pioneer in its field, having been established in January, 1914. It was the first office to be created whereby a public officer was provided to act as attorney for the poor in both civil and criminal matters. During the four years of its existence the office has attracted a great deal of attention throughout the United States. Favorable comments made by the judges and other officials of Los Angeles have resulted in the creation of similar offices in nineteen other cities.

Very respectfully,

WALTON J. WOOD,
Public Defender.

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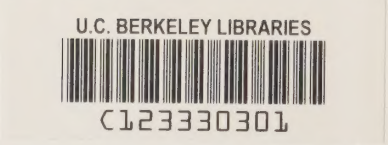

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